

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

EPA Region 5 Records Ctr.



242888

DATE: November 17, 2005

SUBJECT: Nicor Mercury Site (EPA ID: ILN000508064)
Removal Complete Date Memo

FROM: William Messenger, Chief
EESS *William Messenger for W. Messenger*

TO: File

The Region 5 Superfund Program Management and Information Section (PMIS), conducted a WasteLAN data quality review to collect, verify, and enter missing data for all Unilateral Administrative Orders (UAO). The data quality effort revealed an open PRP Removal action at the Nicor Mercury Site (EPA ID: ILN000508064). The PRP Removal action is found at Operable Unit 01 and is the first PRP Removal action entered into WasteLAN at the site. The PMIS conducted extensive research to find the appropriate completion date for PRP Removal 001. After working with John Maritote, Emergency Enforcement Support Section (EESS) data expert, a completion date congruent with the Superfund Program Implementation Manual (SPIM) definition was not found. However, a Pollution Report (POLREP#2) dated 10/23/2000 was found and does not contain a definitive completion date, but does record the planned completion date as 11/2000. The PMIS in conjunction with the EESS has decided, in the absence of a traditional completion document, to use 11/01/2000, as found on the POLREP#2, as the completion date for PRP Removal 001 at the Nicor Mercury Site (EPA ID: ILN000508064). POLREP#2 can be found in Superfund Document Management System with a Document ID of #144075.

cc: John Maritote
Carol Ropski
SDMS
Site File

**U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION REPORT**

EPA Region 5 Records Ctr.
[Redacted]

I. HEADING

Date: October 23, 2000
Subject: Nicor Mercury Sites, Chicago Suburbs, Multiple Counties, Illinois
From: Steve Faryan, Brad Stimple, U.S. EPA On-Scene Coordinators, Region 5

To: R. Karl, Chief, Emergency Response Branch
L. Nachowicz, Chief, Emergency Response Section 3
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POLREP: # 2

II. BACKGROUND

CERCLIS ID No: ILN000508064.	SITE ID # B5P9
Response Authority: PRP Oversight to CERCLA Unilateral Administrative Order	NPL Status: NA
Start Date: 09/18/00	Action Memo Status: NA
Completion Date: Projected 11/00	

III. SITE DESCRIPTION

A. Incident Category: NICOR Scrap Yard Mercury Spills - PRP Oversight

Site Location: Chicago Heights Scrap and Iron, Chicago Heights, IL., Berlinsky Scrap Corp, Joliet, IL.
DeKalb Iron and Metal, DeKalb, IL., Newton Iron, Ottawa, IL.

1. Site Description:

As evidence of improper and inconsistent handling of mercury mounted, U.S. EPA, IEPA and the Illinois Attorney General required Nicor to expand its investigation. Specifically, Nicor was directed to investigate the many Nicor service centers where regulators were taken after removal from residences, and to investigate scrap yards where regulators were taken after processing.

On 8/31/00, Nicor formally notified U.S. EPA that at least one scrap yard, Chicago Heights Iron & Supply Co., was discovered to possess scrap regulators, many of which were the mercury type. On 9/1/00, U.S. EPA responded to the site and confirmed the presence of possibly one hundred or more regulators located in piles on the property. U.S. EPA and IEPA confirmed the presence of elevated mercury vapor readings and also visually observed mercury still contained in the regulators. According to the scrap owner, between 3-5 loads of discarded Nicor regulators and scrap metal was removed from the Nicor Glenwood service center a year, for up to ten years.

On 9/2/00, U.S. EPA and IEPA began joint inspections of scrap yards identified by Nicor, who may have purchased what was supposed to be non-hazardous scrap metal to be later recycled. Inspections of Nicor service centers also began. When mercury regulators were removed from residential or industrial settings, they were transferred to these service centers. Nicor employees were to have removed the remaining metallic mercury from the regulators. It appears that Nicor did not have adequate procedures in place for removing mercury, or those procedures were not followed.

On 9/5/00, Illinois State and County prosecutors filed a five count lawsuit in Cook County Circuit Court against Nicor and two subcontractors to compel Nicor to develop a cleanup plan to be approved and overseen by the State of Illinois, U.S. EPA and ATSDR.

On 9/6/00, U.S. EPA issued a CERCLA Unilateral Administrative Order (UAO) to Nicor for the immediate cleanup of all scrap yards, Nicor service centers and any other industrial facilities found to be contaminated. U.S. EPA, with IEPA support, will oversee these cleanups. Nicor has submitted work plans (as specified by the order) for Chicago Heights, DeKalb Iron and Newton Iron. These work plans have been approved and work has initiated. A work plan has not yet been received for Berlinsky Scrap Corporation in Joliet, Illinois.

2. Description of threat:

The presence of metallic mercury and associated vapor release discovered in many of the above mentioned scrap yards poses a serious threat to human health and the environment through direct contact, ingestion, and inhalation. Mercury vapor screening results discovered by U.S. EPA/START and by the cleanup contractor indicate levels well above guideline levels established by ATSDR, NIOSH and OSHA for worker exposures. A Determination of Threats Action Memorandum was prepared by the OSC and signed by the Director of Superfund, Mr. Bill Muno.

IV. RESPONSE INFORMATION

A. Situation

1. Current Situation

Nicor has assumed responsibility for the mercury spills and has retained cleanup contractors to perform the removal work. U.S. EPA has assumed a monitoring and oversight role to ensure that the scrap yards are properly remediated and that air monitoring activities and characterization and disposal of all waste streams are completed. As specified by the UAO, U.S. EPA will oversee cleanup of the scrap yards and Nicor service centers. IEPA will support this oversight particularly in the case of the service centers.

2. Removal Activities to Date

Chicago Heights Scrap and Iron Removal Action:

Refer to POLREP # 1

Actions Planned:

- Dispose of boxes of contaminated soil and scrap steel at Chicago Heights
- Confirmation soil samples have been received and levels are below 60 ppm. This is below the Industrial standard but above the residential standard. Institutional controls, i.e. Deed Restriction, may be necessary
- Back fill excavated areas with stone.

DeKalb Iron and Metal:

- Work Plan was submitted and approved on October 17, 2000. The Removal action initiated on October 18, 2000 with NICOR contractors Huff and Huff and Heritage Environmental.
- Non-Mercury regulators and the two steel boxes from the East Yard were placed in a scrap roll-off box. The box was tarped and then screened with a Jerome. All recorded levels were non-detectable.
- Four 10 x 10 grids were measured off and a soil sample collected and placed in a zip lock bag for each grid. Each soil sample was screened with a Jerome and all results were non-detectable. One confirmation sample was collected and sent to the lab for analysis.
- Scrap metal and non-mercury regulators were removed from the scrap steel pile in the West yard. Six mercury regulators were found and placed in a 1 cubic yard gaylord box. Two roll-off boxes of scrap steel and non-mercury regulators were loaded and screened with the Jerome. All levels were below the screening criteria of .01mg/m3.
- The west yard was graduate off with 10 X 10 grids and soil samples screened with a Jerome. Four confirmation samples were collected and sent off to the lab. All soil samples that were screened were below the .01mg/m3 screening criteria. No soil was excavated.

Actions Planned:

- Dispose of gaylord box with six mercury regulators at Superior Environmental in Port Washington, WI.
- Dispose of two roll-off boxes of Scrap Steel and non-mercury regulators as non-hazardous waste at Allied, Newton County Landfill, Indiana
- NICOR to respond to DeKalb Iron if additional regulators are encountered during scrap steel loading

Newton Iron and Metal:

- Work plan submitted and approved October 17, 2000. The removal action was initiated on October 20,

2000. Four mercury regulators were found and placed in 1 cubic yard gaylord boxes. One box of scrap steel and non-mercury regulators were found and screened with a Jerome. All levels were below the .01 mg/m3 screening criteria.

- The area was graduate out and soil samples collected in zip lock bags and screened with a Lumex mercury detector. All results were below the .01mg/m3 screening criteria. Four soil samples were collected and sent to the lab. U.S. EPA split sampled all four of the samples.

Actions Planned:

- Dispose of mercury regulators at Superior Environmental in Port Washington, WI.
- Dispose of 1 scrap box of scrap metal and non-mercury regulators.

3. Enforcement

On 7/31/00, U.S. EPA issued a CERCLA General Notice of Potential Liability (notice letter) and a Request for Information (information request) to both Nicor Gas and Henkels and McCoy, Inc.

On 9/1/00, U.S. EPA issued an additional information request to Nicor. On 9/1/00, U.S. EPA issued a notice letter, associated contamination discovered at the Chicago Heights Iron & Supply site, to both Nicor and the scrap yard owner.

On 9/6/00, U.S. EPA issued a Unilateral Administrative Order (UAO) to Nicor and Chicago Heights Scrap and Iron for the cleanup of the scrap yards. Notice letters to the three other scrap yards where mercury regulators have been discovered were sent to the owners.

U.S. EPA will be amending the UAO to add DeKalb Iron and Metal, Newton and Berlinsky

B. Planned Removal Actions

1. Complete disposal at Chicago Heights, DeKalb Iron, and Newton Iron.
2. Amend Order and prepare clean-up at Berlinsky Scrap Corp
3. Conduct Removal Action at Berlinsky Scrap.

C. Key Issues

The owner, Mr. Herb Glassman from Berlinsky Scrap Corp has hired counsel and has requested a meeting with NICOR and U.S. EPA to "discuss" the clean-up. On the first site visit to the facility the owner was not cooperative as far as moving some of the current operations to allow for the removal action to initiate. Berlinsky continues to add unsized scrap metal to the pile containing regulators. Berlinsky employees continue to work on shearing metal from the pile which may be contaminated with mercury. Berlinsky has requested \$180,000 in compensation from NICOR.

V. COSTS

TO BE DETERMINED.

* The above accounting of expenditures is an estimate based on amounts known by the OSC at the time of

preparation of this report. The cost accounting data shown in this report does not necessarily represent the exact monetary figures which the U.S. Government may include in any claim for cost recovery.

VI. DISPOSITION OF WASTES

Any recovered mercury and all contaminated items generated as part of the Scrap Yard clean-ups being conducted under a UAO by Nicor under U.S. EPA and IEPA supervision.

VI. DISPOSAL INFORMATION

Disposition of Wastes Chicago Heights Scrap and Iron, Chicago Heights, Illinois			
Waste stream	Quantity	Date	Disposal Facility
<u>Mercury Regulators</u>	<u>7-55 gallon drums/ 6 1 cu yard roll gaylord boxes</u>	<u>9/22/00</u>	<u>Temporary storage at Heritage Environmental, Lemont, Illinois awaiting retort at Bethlehem or Mercury Waste Solutions</u>
<u>Scrap Metal</u>	<u>6 30 cu yard roll-off boxes</u>	<u>9/22/00</u>	<u>Disposal Options are being considered, Subtitle D Landfill, Shearing and recycle at Steel Mill</u>
<u>Mercury Contaminated Soil</u>	<u>21-30 cu yard roll-off boxes</u>	<u>9/26/00</u>	<u>Sampled 10/5/00. Disposal will be set up based on analytical data at a Subtitle C or Subtitle D Landfill</u>
<u>Decontamination Water</u>	<u>3 55 gallon drums</u>	<u>9/26/00</u>	<u>Stored at Heritage Environmental pending disposal acceptance</u>
<u>Mercury Carrier Tube</u>	<u>1-2 oz of liquid mercury</u>	<u>9/20/00</u>	<u>IEPA collected as evidence and took off site</u>